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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,270	06/12/2001	Judy J. Kogut-O'Connell	FIS9-2000-0390	3517

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EXAMINER

MARTIN, NICHOLAS A

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,270

Applicant(s)

KOGUT-O'CONNELL ET AL.

Examiner

Nicholas A. Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2005 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/12/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1 – 14 have been presented for examination. Claims 13 and 14 have been added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-14 are rejected under 35 U.S.C 102(e) as being anticipated by Adar et al. (hereinafter Adar), US 6,493,702.

5. As per claim 1, Adar teaches the use of identifying, categorizing, and sharing preferred website links over a communications network via a web key tool, comprising the steps of:

receiving a request from a user client system to incorporate information relating to a website into said web key tool (Col. 10, lines 22-25);

selecting an option on a menu screen's list of options provided by said web key tool wherein said option relates to said request to incorporate said information (Col. 6, lines 1-5);

associating said information with a category (Col. 7, lines 20-21);
transmitting said information to a central storage location associated with said web key tool, where in said information is processed (Col. 10, lines 10-12, lines 19-21);
saving approved information in said central storage location (Col. 10, lines 50-53);
updating related database files with respect to said approved information (Col. 7, lines 8-12);
providing access to said approved information via said communications network to authorized system users (Col. 5, line 42-44, lines 54-59).

6. As per claim 2, Adar teaches the method of claim 1, wherein:

said information relating to a web site includes a universal resource locator for said website, a description of said website, a web address of said web site, and a hypertext transfer protocol link (Col. 1, lines 27-39).

7. As per claim 3, Adar teaches the method of claim 1, wherein:

said associating said information with a category includes selecting a category from a list of pre-established categories provided by said web key tool (Col. 7, lines 27-30); and

creating a new category where no suitable category from said list of categories is found (Col. 17, lines 28-30).

8. As per claim 4, Adar teaches the method of claim 1, wherein:

said approved information is accessible to said authorized system users via a web page (Col. 5, lines 62-67).

9. Claims 5 - 8 do not teach or define any new limitations above claims 1 - 4 and therefore are rejected for similar reasons.

10. As per claim 9, Adar teaches a system for identifying, categorizing, and sharing preferred web site links over a communications network via a web key tool, comprising:

an organization, comprising of a server, a client, a data storage device for providing a centralized storage location for said preferred web site links, a network link for allowing said server, said client, and said data storage device to communicate with each other (Col. 5, lines 38-43, lines 54-57; Col. 10, lines 50-53)

a link to a second server, wherein said second server provides a source for said preferred web site links (Col. 5, lines 54-57).

11. As per claim 10, Adar teaches the system of claim 9, further comprising:

an administrative client for controlling access to said data storage device and managing operations provided by said web key tool (Col 5. 61-65).

12. As per claim 11, Adar teaches the system of claim 9, wherein:

said client system is executing a web browser software program (Col. 6, lines 1-3).

13. As per claim 12, Adar teaches the system of claim 9, wherein:

said web key tool is executed by said organization (Col. 5, lines 38-43 and 50-57).

14. As per claim 13, Adar teaches the method of claim 1, wherein said information relating to a web site is a web link (Col. 1, lines 44-54), and said associating said information with a category (Col. 7, lines 20-21) further comprises at least one of:

importing said web link from a currently active web site associated with said web link (Col. 8, lines 7-11); and

manually entering a uniform resource locator for the link and a brief description (Col. 8, lines 46-49).

15. As per claim 14, Adar teaches the method of claim 5, wherein said information relating to a web site is a web link (Col. 1, lines 44-54), and said associating said information with a category (Col. 7, lines 20-21) further comprises at least one of:

importing said web link from a currently active web site associated with said web link (Col. 8, lines 7-11); and

manually entering a uniform resource locator for the link and a brief description (Col. 8, lines 46-49).

Response to Amendment

16. The declaration under 37 CFR 1.131 is not proper because it fails to meet the basic requirements of having all the signatures of all the inventors. There is no signature for Jackie L. Hill therefore the affidavit is inadequate.

Affidavits or declarations to overcome a rejection of a claim or claims must be made by the inventor or inventors of the subject matter of the rejected claim(s), a party qualified under 37 CFR 1.42, 1.43, or 1.47, or the assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor(s). Thus, where all of the named inventors of a pending application are not inventors of every claim of the application, any affidavit under 37 CFR 1.131 could be signed by only the inventor(s) of the subject matter of the rejected claims. Further, where it is shown that a joint inventor is deceased, refuses to sign, or is otherwise unavailable, the signatures of the remaining joint inventors are sufficient. However, the affidavit or declaration, even though signed by fewer than all the joint inventors, must show completion of the invention by all of the joint

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inventors of the subject matter of the claim(s) under rejection. In re Carlson, 79 F.2d 900, 27 USPQ 400 (CCPA 1935). MPEP § 715.04.

17. The applicant fails to show reduction of practice prior to (5/5/1999), the date of the cited reference, Adar.

Proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose. MPEP § 715.07.

For an actual reduction to practice, the invention must have been sufficiently tested to demonstrate that it will work for its intended purpose, but it need not be in a commercially satisfactory stage of development. If a device is so simple, and its purpose and efficacy so obvious, construction alone is sufficient to demonstrate workability. King Instrument Corp. v. Otari Corp., 767 F.2d 853, 860, 226 USPQ 402, 407 (Fed. Cir. 1985). MPEP § 2138.05.

The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that facts exist but does not tell what they are or when they occurred."). MPEP § 715.07.

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18. The exhibits do not completely explain all the limitations in the claims. They do not carry the burden of evidence of prior invention. Exhibits (A & B) are not comprehensive and illustrative of conception and reduction to practice.

19. The Examiner has reviewed the exhibits and they do not support the limitations of the claims. For example,

As per claim 1, the following limitations are not supported in the exhibits:

receiving a request from a user client system to incorporate information relating to a web site into said web key tool;

options provided by said web key tool, wherein said option relates to said request to incorporate said information;

associating said information with a category;

transmitting said information to a central storage location associated with said web key tool, wherein said information is processed.

20. The analysis of claim 1 is an example to illustrate to applicant deficiencies in the affidavit. The burden is on the applicant to provide an explanation of the exhibits and how they relate to the claims.

21. There is no indication of evidence of testing relating to the exhibits A & B as they are not commensurate to the claims.

22. Examiner acknowledges amendments to the drawings, which now appears to be in conformance with MPEP § 608.02(d). Objection has been withdrawn.

23. Examiner acknowledges amendments to the specification, which now appears to be in conformance with MPEP § 608.01(g). Objection has been withdrawn.

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24. Examiner acknowledges amendments to claims 2 and 6 in reference to 35 U.S.C. §112 second paragraph. Rejections have been withdrawn.

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Martin whose telephone number is (571) 272-3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

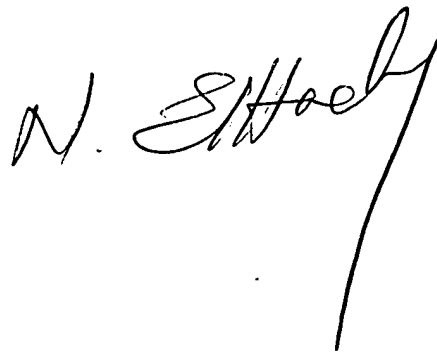
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-3970.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Martin
Examiner
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A handwritten signature in black ink, appearing to read "N. E. Haech", with a long, sweeping vertical line extending downwards from the end of the signature.